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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,867	09/22/2003	Jean-Michel Lauriol	Q77431	4318
23373 7590 01/23/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER DOAN, PHUOC HUU	
			ART UNIT 2617	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/664,867	Applicant(s) LAURIOL, JEAN-MICHEL	
	Examiner PHUOC H. DOAN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

*As to claim 17, the claimed was not support by the original specification such as "on the presence signals alone **without access** into a database that stores locations of WLAN access points".*

Response to Arguments

2. Applicant's arguments with respect to claims 1-6, and 8-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-6 and 8-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunnarsson in view of **Keinonen (US Patent No: 6,959,207)**.

As to claim 1, Gunnarsson discloses method for informing a person that he or she can access to a WLAN (Fig. 1, par. [0014]), said person carrying or being associated with a mobile data terminal and a radiotelephone terminal, the method comprising: detecting presence of the WLAN (col. 3, par. [0022]), by receiving signals broadcasted by the WLAN (col. 2, par. [0020]), with a radio receiver associated with said mobile data terminal and which is adapted to receive signals broadcasted by the WLAN (col. 3, par. [0022-0023]), and when the radio signals broadcasted by the WLAN are received (col. 2, par. [0018]; col. 3, par. [0023]). However, Gunnarsson does not disclose sending a signal or a message, from said mobile data terminal said radiotelephone terminal equipped with an adapted receiver, informing said person that he or she can access to said WLAN.

In the same field of endeavor, Keinonen discloses sending a signal or a message, from said mobile data terminal to said radiotelephone terminal equipped with an adapted receiver (col. 4, lines 20-40), informing said person that he or she can access to said WLAN (col. 7, lines 55-57, col. 8, lines 5-15, col. 8, lines 65 to col. 9, lines 3). Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to provide of sending a signal or a message, from said mobile data terminal said radiotelephone terminal equipped with an adapted receiver as taught by Keinonen to the system of Gunnarsson in order to transmit/receive notifying messages of the mobile device for conveyance information used by blue tooth or PWAN link.

As to claim 2, Gunnarsson further discloses method according to claim 1, wherein said mobile data terminal is switched a mode in which it scans periodically (See abstract), at least one given frequency or within a given frequency range (col. 3, par. [0023]), for the existence of a signal from a WLAN (col. 4, par. [0028]).

As to claim 3, Gunnarsson further discloses wherein the scanning for an available WLAN is based on detection of a or the network identifier broadcasted by the or a WLAN to which the concerned person has subscribed (col. 3, par. [0022], and [0024]).

As to claim 4, Gunnarsson further disclose wherein a successful detection of a WLAN to which the person has subscribed is also notified directly by the mobile data terminal (col. 4, par. [0028]), by means of an audio signal and/or a visual message displayed on its screen (col. 4, par. [0026], **to access the user's email**).

As to claim 5, Gunnarsson further discloses method according to claims 1, wherein the mobile data terminal and the radiotelephone terminal are equipped

with wireless personal area network interfaces (col. 1, par. [0006]).

As to claim 6, the claim specifies the portable communication system necessary to perform the method steps as specified in **claim 1** and is therefore rejected for the same reasons.

As to claim 8, 16, claim is rejected for the same reason as set for in claim 1.

As to claim 9, Gunnarsson further discloses in col. 3, par. [0023] a wireless interface, such as a radio interface (e.g., BLUETOOTH or infrared interface).

As to claim 10, Gunnarsson further discloses wherein the mobile data terminal communicates with a WLAN in IEEE 802.11 (col. 2, par. [0019]).

As to claim 11, Gunnarsson further discloses wherein the mobile data terminal is a laptop and the radiotelephone terminal is a cellular telephone that communicates in another communication network (Fig. 4, col. 4, par. [0024]).

As to claim 12, Gunnarsson further discloses wherein the mobile data terminal and the radio telephone terminal are integrated into a single device and wherein the mobile data terminal communicates using the WLAN via the access point of the WLAN and the radio telephone terminal communication in another network (Fig. 4, col. 4, par. [0024] the mobile terminal 60 is integrated with the wireless computing device 70 to form an integrated mobile unit).

As to claim 13, Gunnarsson further discloses wherein the mobile data terminal detects the presence of the WLAN in real-time (col. 3, par. [0022] SMS is a real time message).

As to claim 14, Gunnarsson further discloses wherein the user is notified about the presence of the WLAN via a short message received by the radiotelephone terminal (col. 4, par. [0028]).

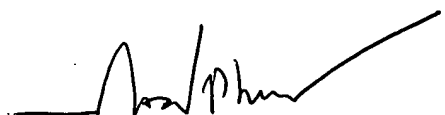
As to claim 15, Gunnarsson further disclose wherein the mobile data terminal and the radiotelephone terminal are equipped with at least one of IrDa and Bluetooth interfaces (col. 2, par. [0014]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phuoc Doan
01/12/2007


ERIKA A. GARY
PRIMARY EXAMINER